

SEP 19 2011

**Board of Vocational Nursing  
and Psychiatric Technicians**

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**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN 2009-3771

**NANCY ANN DULANEY AKA NANCY  
ANN CELESTE AKA NANCY ANN  
SKATVOLD  
P.O. Box 1227  
Glendora, CA 91741  
Vocational Nurse License No. VN 112367**

**A C C U S A T I O N**

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about November 3, 1982, the Board of Vocational Nursing and Psychiatric Technicians ("Board") issued Vocational Nurse License No. VN-112367 to Nancy Ann Dulaney aka Nancy Ann Celeste aka Nancy Ann Skatvold ("Respondent"). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2012, unless renewed.

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1       7.     Section 2878 provides, in part:

2       "The Board may suspend or revoke a license issued under this chapter [the Vocational  
3     Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

4       "(a)   Unprofessional conduct

5       . . . .

6       "(d)   Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
7     violating of, or conspiring to violate any provision or term of this chapter.

8       . . . .

9       "(f)   Conviction of a crime substantially related to the qualifications, functions, and duties  
10    of a licensed vocational nurse, in which event the record of the conviction shall be conclusive  
11    evidence of the conviction.

12      . . . .

13      "(j)   The commission of any act involving dishonesty, when that action is related to the  
14    duties and functions of the licensee."

15      8.     Section 2878.5 provides, in part:

16      "“In addition to other acts constituting unprofessional conduct within the meaning of this  
17    chapter, it is unprofessional conduct for a person licensed under this chapter to do any of the  
18    following:

19      "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
20    physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or  
21    administer to another, any controlled substance as defined in Division 10 of the Health and Safety  
22    Code, or any dangerous drug as defined in Section 4022.

23      . . .

24      "(c)   Be convicted of a criminal offense involving possession of any narcotic or dangerous  
25    drug, or the prescription, consumption, or self-administration of any of the substances described  
26    in subdivisions (a) and (b) of this section, in which even the record of the conviction is conclusive  
27    evidence thereof.”

28      ///

1 **REGULATORY PROVISIONS**

2 9. California Code of Regulations, title 16, section 2521, states, in part:

3 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5  
4 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be  
5 considered to be substantially related to the qualifications, functions or duties of a licensed  
6 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed  
7 vocational nurse to perform the functions authorized by his license in a manner consistent with  
8 the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those  
9 involving the following:

10 . . . .

11 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
12 violation of, or conspiring to violate any provision or term of [the Vocational Nursing Practice  
13 Act]."

14 **COST RECOVERY**

15 10. Section 125.3 provides, in part, that the Board may request the administrative law  
16 judge to direct a licentiate found to have committed a violation or violations of the licensing act to  
17 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Convictions of Substantially Related Crimes)**

20 11. Respondent is subject to disciplinary action under sections 490, 2878, subdivision (f),  
21 and section 2878.5, subdivision (c), in conjunction with California Code of Regulations, title 16,  
22 section 2521, in that Respondent was convicted of crimes that are substantially related to the  
23 qualifications, functions, and duties of a vocational nurse as follows:

24 a. On November 3, 2008, after pleading guilty, Respondent was convicted of one  
25 misdemeanor count of violating Penal Code section 484, subdivision (a) [theft] and one  
26 misdemeanor count of violating Penal Code section 242 [battery], in the criminal proceeding  
27 entitled *The People of the State of California v. Nancy Ann Dulaney* (Super. Ct. Los Angeles  
28 County, 2008, No. 8JB09431). Respondent was sentenced to five days in jail and placed on three

1 years' probation. The circumstances surrounding the conviction are that on or about October 31,  
2 2008, an on duty Glendora Police Officer was dispatched to Walmart department store, in the city  
3 of Glendora, regarding a theft. The officer searched the area and later identified the Respondent,  
4 as the female involved in the theft. Walmart's loss prevention officer observed Respondent take  
5 golf balls and attempt to leave without paying for them. The loss prevention officer followed  
6 Respondent to the parking lot where she hit him in the chest twice and fled the area. Respondent  
7 was subsequently convicted of violating Penal Code sections 484, subdivision (a) [theft] and  
8 section 242 [battery].

9       b. On December 11, 2008, after pleading guilty, Respondent was convicted of one  
10 misdemeanor count of violating Business and Professions Code section 25658, subdivision (a)  
11 [selling liquor to a minor], in the criminal proceeding entitled *The People of the State of*  
12 *California v. Nancy Ann Dulaney* (Super. Ct. Los Angeles County, 2008, No. 8PK06803).  
13 Respondent was placed on two years' probation. The circumstances surrounding the conviction  
14 are that on or about September 20, 2008, a minor decoy was instructed to attempt to buy beer  
15 from a booth at the LA County Fairgrounds. Respondent was working in a booth and sold beer to  
16 a minor without asking for identification or verifying his age.

17       c. On July 14, 2009, after pleading nolo contendere, Respondent was convicted of one  
18 misdemeanor count of violating Health & Safety Code section 11377, subdivision (a) [possession  
19 of a controlled substance, Methamphetamine] in the criminal proceeding entitled *The People of*  
20 *the State of California v. Nancy Ann Dulaney* (Super. Ct. San Bernardino County, 2009, No.  
21 FSB901910). Respondent was sentenced to two days in jail and placed on 24 months' probation  
22 with terms and conditions. The circumstances surrounding the conviction are that on or about  
23 May 7, 2009 officers from the San Bernardino Sheriff's Department stopped Respondent to ask  
24 her if she had seen a missing boy in the area. During the conversation, Respondent exhibited  
25 signs and symptoms of being under the influence of a central nervous system stimulant.  
26 Respondent also attempted to conceal illegal narcotics by dropping a tube of methamphetamine  
27 and kicking it underneath her car.

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d. On November 25, 2009, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Penal Code section 459 [burglary] and one misdemeanor count of violating Penal Code section 666 [petty theft with prior jail on special offenses], in the criminal proceeding entitled *The People of the State of California v. Nancy Ann Dulaney* (Super. Ct. Los Angeles County, 2009, No. 9AH01990). Respondent was sentenced to 30 days in jail, placed on probation for a period of 36 months, and fined. The circumstances surrounding the conviction are that on or about April 24, 2009, Respondent willfully, and knowingly, stole and burglarized another's property. On that date an officer from the Los Angeles County Sheriff's Department responded to a shoplifting call at a Walmart store in Duarte, California. A loss prevention officer saw Respondent take a package of laundry detergent and bottle of mouthwash and put them into a plastic Walmart bag. She then left the store without attempting to pay for them. Respondent admitted to stealing the items so that she could later return them for a cash refund. She was arrested and ultimately convicted of violating Penal Code section 459 [burglary] and Penal Code section 666 [petty theft with prior jail on special offenses].

## **SECOND CAUSE FOR DISCIPLINE**

### **(Possession of a Controlled Substance)**

12. Respondent is subject to disciplinary action under section 2878.5, subdivision (a), on the grounds of unprofessional conduct, in that Respondent was found to be in possession of a controlled substance, Methamphetamine, by a deputy of the San Bernardino County Sheriff Department, as set forth in paragraph 11, subparagraph (c) above.

## **THIRD CAUSE FOR DISCIPLINE**

### **(Dishonest Acts)**

13. Respondent is subject to disciplinary action under section 2878, subdivision (j), in that Respondent committed acts involving dishonesty, which are related to the duties and functions of a vocational nurse. Complainant refers to and incorporates all the allegations contained in paragraph 11, subparagraphs (a) and (d) above, as though set forth fully.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 14. Respondent is subject to disciplinary action under section 2878, subdivision (a), in  
4 that Respondent committed acts that constitute unprofessional conduct. Complainant refers to  
5 and incorporates all the allegations contained in paragraphs 11 through 13, above, as though set  
6 forth fully.

7 **FIFTH CAUSE FOR DISCIPLINE**

8 **(Failure to Adhere to the Ethical/Behavioral Standards of Practice)**

9 15. Respondent is subject to disciplinary action under section 2878, subdivisions (a) and  
10 (d), section 2878.5, subdivision (a), in conjunction with California Code of Regulations, title 16,  
11 section 2521, subdivisions (c), in that Respondent failed to adhere to the Ethical/Behavioral  
12 Standards of Practice when she committed acts and was convicted of crimes involving burglary,  
13 theft, battery, selling liquor to a minor, and possession of a controlled substance. Complainant  
14 refers to and incorporates all the allegations contained in paragraph 11 through 14, above, as  
15 though set forth fully.

16 **SIXTH CAUSE FOR DISCIPLINE**

17 **(Violating Provisions of the Vocational Nursing Practice Act)**

18 16. Respondent is subject to disciplinary action under sections 2878, subdivision (d), in  
19 conjunction with California Code of Regulations, title 16, section 2521, in that Respondent  
20 violated provisions of the Vocational Nursing Practice Act. Complainant refers to and  
21 incorporates all the allegations contained in paragraph 11 through 15, above, as though set forth  
22 fully.

23 **PRAYER**

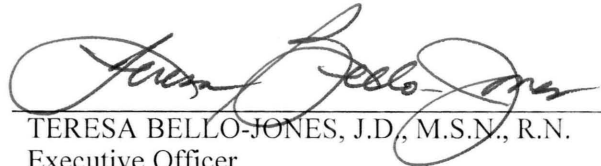
24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
25 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians  
26 issue a decision:

27 1. Revoking or suspending Vocational Nurse License No. VN-112367, issued to Nancy  
28 Ann Dulaney aka Nancy Ann Celeste aka Nancy Ann Skatvold;

1           2.     Ordering Nancy Ann Dulaney aka Nancy Ann Celeste aka Nancy Ann Skatvold to  
2 pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to  
3 Business and Professions Code section 125.3; and

4           3.     Taking such other and further action as deemed necessary and proper.

5  
6 DATED: September 19, 2011



TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
*Complainant*

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